

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CYRIL OGBONNA,

Plaintiff,

Case No. 02-73702

v.

HONORABLE DENISE PAGE HOOD

**MICHAEL KENEL AND MICHAEL
PATRICK,**

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation dated June 16, 2006. Neither party has filed objections.

Plaintiff, Cyril Ogbonna, brought suit against the City of Mt. Clemens, the City of Mt. Clemens' Police Department ("Police Department") and two unnamed police officers on September 16, 2002. The Court issued a May 31, 2005 Order granting in part and denying in part Defendants' Motion for Summary Judgment, dismissing Defendant City of Mt. Clemens and Defendant Police Department, leaving the Defendant officers. On September 27, 2005, a jury rendered a verdict against Defendant officers and in favor of the Plaintiff in the amount of \$20,000. Defendants filed a Motion for Mediation Sanctions on October 24, 2005. Plaintiff filed a Supplemental Motion for Attorney Fees, Costs or Related Expenses on January 11, 2006.

Magistrate Judge Pepe concluded that Defendants should have filed the Motion for Mediation Sanctions within 28 days of the decision dismissing them from the case. The Magistrate Judge recommended that the Motion for Mediation Sanctions be denied as untimely.

Magistrate Judge Pepe further concluded that Plaintiff's Supplemental Motion for Attorney's Fees, Costs or Related Expenses does not comply with Federal Rules of Civil Procedure 54(d)(2)(B) standards and does not state a claim cognizable under 42 U.S.C. § 1988. In addition, the motion was filed outside of the 14 day window allowed by Rule 54. The Magistrate Judge recommended that Plaintiff's Supplemental Motion for Attorneys' Fees, Costs and Related Expenses should be denied as untimely and baseless.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Steven D. Pepe [**Docket No. 97, filed June 16, 2006**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Defendants' Motion for Mediation Sanctions [**Docket No. 77, filed October 24, 2005**] is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Attorney Fees, Costs and Related Expenses [**Docket No. 86, filed January 11, 2006**] is DENIED.

/s/ Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: August 25, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 25, 2006, by electronic and/or ordinary mail.

S/William F. Lewis

Case Manager